

Docket No.: 057810-0085



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Masayuki HATA, et al.	:	Confirmation Number: 1109
Application No.: 10/766,031	:	Group Art Unit: 2815
Filed: January 29, 2004	:	Examiner: LANDAU, MATTHEW C
For: SEMICONDUCTOR DEVICE AND METHOD OF FABRICATING THE SAME	:	

REQUEST TO APPLY THE PREVIOUSLY PAID ISSUE FEE

Mail Stop **ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant is in receipt of the Decision on the Petition Under 37 CFR 1.313(c)(2), dated May 2, 2007, in connection with the above-identified application and respectfully requests that the Issue Fee paid on March 2, 2007, be applied to the attached new Issue Fee Transmittal.. A copy of the Decision is attached.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Bernard P. Codd".

Bernard P. Codd
Registration No. 46,429

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Date: March 27, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20005-3096

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OFFICE OF PETITIONS

In re Application of
Masayuki Hata et al
Application No. 10/766,031
Filed: January 29, 2004
Attorney Docket No. 57810-085

McDERMOTT WISSE & EMERY LLP
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed April 19, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

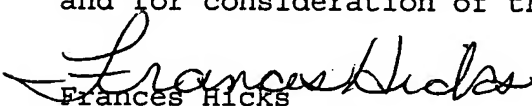
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 2, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2815 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.


Frances Hicks
Petitions Examiner
Office of Petitions

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¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.